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May 29, 2020

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Via ECF

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Hon. Esther Salas, U.S.D.J.
United States District Court
District of New Jersey
Martin Luther King Building & U.S.
Courthouse
50 Walnut Street, Room 5A
Newark, New Jersey 07101

**Re: Advanced Gynecology and Laparoscopy of North Jersey, P.C. et al. v. Cigna
Health and Life Insurance Company, et al.
Case No. 19-cv-22234-ES-MAH**

Dear Judge Salas:

This firm represents Plaintiffs in the above-referenced matter. We write to respectfully request that the Court terminate the pending Motion to Dismiss the Complaint filed by Defendants, Cigna Health and Life Insurance Company and Connecticut General Life Insurance Company, on May 6, 2020 (ECF Dkt. No. 31), as moot in light of Plaintiffs' Amended Complaint.

Pursuant to the Court's Order dated May 15, 2020 (ECF Dkt. No. 38), granting Plaintiffs' request for an extension of the return date to June 15, 2020, Plaintiffs' Opposition to the Motion to Dismiss is currently due on Monday, June 1, 2020. On May 27, 2020, however, Plaintiffs filed its Amended Complaint as a matter of course pursuant to Fed. R. Civ. P. 15(a)(1)(B) (ECF Dkt. No. 39). Because the Amended Complaint was timely filed within 21 days of Defendants' motion, pursuant to Rule 15(a)(1)(B), the pending Motion to Dismiss is moot since the Amended Complaint supersedes the initial complaint. See *Little v. Conn. Gen. Life Ins. Co.*, Case No. 11-cv-2944-ES, 2011 WL 5025125, at *5 (D.N.J. Oct. 21, 2011) (motion to dismiss terminated as moot since there could be only one operative pleading, which was the amended complaint timely filed under Rule 15); see also *Harlow v. Chanree Const. Co.*, Case No. 16-cv-8360-BRM-DEA (slip op.) ECF Dkt. No. 19 (D.N.J. Feb. 17, 2017). Accordingly, Plaintiffs respectfully request that Your Honor terminate the pending Motion to Dismiss as moot.

Thank you for your consideration of this matter.

Respectfully submitted,

/s/ Anthony P. La Rocco

Anthony P. La Rocco

cc: All counsel of record (via ECF)